

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2593

**Introduced by Assembly Members ~~Bogh and Rod Pacheco~~ Rod
Pacheco and Bogh**

February 21, 2002

An act to ~~repeal Section 35294.3 of the Education Code, amend~~
~~Section 626.7 of the Penal Code~~, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2593, as amended, ~~Bogh~~ Rod Pacheco. School safety plans.

Existing law provides that if a person who is not a student, officer, or employee of a public school enters a campus or school facility and appears to commit an act likely to interfere with the peaceful conduct of the campus or facility, he or she may be directed to leave by the chief administrative officer or his or her designee. Failure to leave or reentry within either 7 or 30 days, as specified is unlawful.

This bill would provide that it is unlawful for a person who is not a student, officer, or employee to remain upon a campus or school facility without following the posted requirements to contact the administrative offices of the campus after having been asked to leave by the chief administrative officer or his or her designee or to thereafter return to the campus without following the posted requirements. This bill would specify that these provisions apply to areas of the campus or facility outside of the common areas where public business is conducted. Because this bill would change the elements of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires each school district and county office of education to be responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.~~

~~This bill would repeal an obsolete provision relating to school safety plans.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 35294.3 of the Education Code is~~
2 SECTION 1. Section 626.7 of the Penal Code is amended to
3 read:
4 626.7. (a) If a person who is not a student, officer, or
5 employee of a public school, and who is not required by his or her
6 employment to be on the campus or any other facility owned,
7 operated, or controlled by the governing board of that school,
8 enters a campus or facility *outside of the common areas where*
9 *public business is conducted*, and it reasonably appears to the chief
10 administrative officer of the campus or facility, or to an officer or
11 employee designated by the chief administrative officer to
12 maintain order on the campus or facility, that the person ~~is~~
13 ~~committing any act likely to interfere with the peaceful conduct of~~
14 ~~the activities of the campus or facility, or has entered the campus~~
15 ~~or facility for the purpose of committing any such act entered the~~
16 ~~campus or facility without following the posted requirements to~~
17 ~~contact the administrative offices of the campus, the chief~~
18 administrative officer or his or her designee may direct the person
19 to leave the campus or facility. If that person fails to do so or if the
20 person ~~willfully and knowingly reenters upon the campus or~~
21 ~~facility within 30 days after being directed to leave, or within~~
22 ~~seven days if the person is a parent or guardian of a student~~
23 ~~attending that school returns without following the posted~~

1 *requirements*, he or she is guilty of a misdemeanor and shall be
2 punished as follows:

3 (1) Upon a first conviction, by a fine of not more than five
4 hundred dollars (\$500), by imprisonment in a county jail for a
5 period of not more than six months, or by both that fine and
6 imprisonment.

7 (2) If the defendant has been previously convicted once of a
8 violation of any offense defined in this chapter or Section 415.5,
9 by imprisonment in a county jail for a period of not less than 10
10 days or more than six months, or by both that imprisonment and
11 a fine of not more than five hundred dollars (\$500), and the
12 defendant shall not be released on probation, parole, or any other
13 basis until he or she has served not less than 10 days.

14 (3) If the defendant has been previously convicted two or more
15 times of a violation of any offense defined in this chapter or
16 Section 415.5, by imprisonment in a county jail for a period of not
17 less than 90 days or more than six months, or by both that
18 imprisonment and a fine of not more than five hundred dollars
19 (\$500), and the defendant shall not be released on probation,
20 parole, or any other basis until he or she has served not less than
21 90 days.

22 For purposes of this section, a representative of a school
23 employee organization engaged in activities related to
24 representation, as provided for in Chapter 10.7 (commencing with
25 Section 3540) of Division 4 of Title 1 of the Government Code,
26 shall be deemed a person required by his or her employment to be
27 in a school building or on the grounds of a school.

28 (b) The provisions of this section shall not be utilized to
29 impinge upon the lawful exercise of constitutionally protected
30 rights of freedom of speech or assembly.

31 ~~(c) When a person is directed to leave pursuant to subdivision~~
32 ~~(a), the person directing him or her to leave shall inform the person~~
33 ~~that if he or she reenters the campus or facility within the number~~
34 ~~of days prescribed by subdivision (a) he or she will be guilty of a~~
35 ~~crime.~~

36 ~~(d)~~ Notwithstanding any other subdivision of this section, the
37 chief administrative officer, or his or her designee, shall allow a
38 person previously directed to leave the campus or facility pursuant
39 to this section to reenter the campus if the person is a parent or
40 guardian of a pupil enrolled at the campus or facility who has to

1 retrieve the pupil for disciplinary reasons, for medical attention,
2 or for a family emergency.

3 *SEC. 2. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*
12 ~~repealed.~~

